

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RAYMOND JONES,

Plaintiff,

v.

SUE NOVAK,

Defendants.

ORDER

Case No. 20-cv-441-wmc

Plaintiff Raymond Jones originally had a deadline of August 3, 2020 to pay the \$7.53 initial partial payment of the filing fee in this case. Now plaintiff has submitted a letter stating that he cannot pay the initial partial payment because the business office at his institution told him he could not use his release account funds. Plaintiff has not submitted any documentation in support of his letter.

Pursuant to 28 U.S.C. § 1915(b)(1), prison officials are required to use a prisoner's release account to satisfy an initial partial payment if no other funds are available. *Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005). Therefore, I will give plaintiff an extension of time until September 4, 2020, to submit the \$7.53 initial partial payment. If by September 4, plaintiff is still unable to pay the \$7.53 initial partial payment, plaintiff should submit documentation that shows the efforts that he has taken to request the \$7.53 initial partial payment from the institution business office.

ORDER

IT IS ORDERED that,

1. Plaintiff Raymond Jones may have an enlargement of time, to September 4, 2020, to pay the \$7.53 initial partial filing fee in this case. If plaintiff does not have enough money in his regular account to pay the \$7.53 initial partial payment, plaintiff may use funds from his release account to pay the \$7.53 initial partial payment.

2. If, by September 4, 2020, plaintiff fails to make the initial partial payment or show cause for failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff's filing this case at a later date.

Entered this 8th day of August, 2020.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge